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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,466

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Gary A. Watkins

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EXAMINER

MEYERS, MATTHEW S

ART UNIT

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3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/601,466	Applicant(s) WATKINS ET AL.	
	Examiner Matthew S. Meyers	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's communication on 11/19/2007, wherein claims 1-18 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Vieweg et al (U.S. 6,611,194) (hereinafter Vieweg '194).

3. With respect to claims 1, 10 and 18, Vieweg '194 discloses a method and inherently discloses computer readable media and a system for:

- a. associating a vehicle telematics device with a vehicle telematics subscription service (insertion of a decoding key into the terminal to enable the terminal to decode a service key so that service data (traffic information, navigation, etc.) may be decoded and used in the terminal is interpreted to teach the associating of a vehicle telematics device with a vehicle telematics subscription service)(Vieweg '194 col. 3 lines 21 - 31)
- b. maintaining subscription service data at the vehicle telematics device (the service key stored on the terminal is interpreted to be subscription service data stored on the telematic device)(Vieweg '194 col. 4 lines 5-6)
- c. deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data (the disclosure of service keys for service data which is registered only for a period of time to expire in the terminal after some time is considered to teach deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data)(Vieweg '194 col. 1 lines 48 - 52)

4. With respect to claims 2 and 11, Vieweg '194 discloses a method and inherently computer readable media for: configuring an enrollment event trigger parameter in the vehicle telematics device (the disclosure of service keys that may expire in the device and render the device inoperable, and hence require replacement with a new service key is interpreted to teach the configuring of an enrollment event trigger parameter in the vehicle telematics device)(Vieweg '194 col. 1 lines 48 - 52).

5. With respect to claim 3, Vieweg '194 discloses a method for: selecting an enrollment event trigger from expired months or specific date (the disclosure of service keys for service data that which is registered only for a period of time to expire in the terminal after some time has elapsed is interpreted to teach an enrollment event trigger selected from expired months and/or a specific date)(Vieweg '194 col. 1 lines 31 -33).

6. With respect to claims 4 and 12, Vieweg '194 discloses a method and inherently computer readable media for: determining an enrollment event based on the enrollment event trigger parameter (the insertion of new service keys, which may be necessary, for example, when a subscription period has expired for a particular service is interpreted to teach determining an enrollment event based on the enrollment event trigger parameter)(Vieweg '194 col. 1 lines 48 - 52), initiating an inbound communication from the vehicle telematics device responsive to a determination of an enrollment event (the disclosure of a request being made by the service center 3 or 4 in response to the terminal 2 sending a request is interpreted to teach the initiation of an inbound communication from the vehicle telematics device in response to a determination of an enrollment event)(Vieweg '194 col. 3 lines 57 - 59), receiving a configuration data communication (the disclosure of the service center transmitting the new service key to the terminal, and the use of the new service key by the terminal to decode encrypted service data is interpreted to teach the receiving of configuration data communication)(Vieweg '194 col. 4 lines 31 - 36), and configuring an activation event trigger parameter and a maintenance event trigger parameter based on the received configuration parameter (the disclosure of the desirability of allowing service keys registered only for a period of time and expire in the terminal after some time, or that it can be desirable for such service keys to be updated)(Vieweg '194 col. 1 lines 31 -

33). The disclosure of service keys that require updating is interpreted to disclose a maintenance event trigger parameter. Vieweg '194 inherently discloses an activation event trigger parameter because once the service key is installed on the telematics device, the telematic device becomes activated since it is able to decode service data and is thereby operational from the viewpoint of a user.

7. With respect to claims 5 and 13, Vieweg '194 discloses a method and inherently computer readable media for: configuration data communication to include telematic device subscription service data, telematics device service provider data, telematics device authentication data and maintenance event data (the disclosure of the transmission of service key 9 from a service center 3 or 4 into a terminal 2)(Vieweg '194 col. 4 lines 5 - 8). The terminal requires a valid service key in order to make use of the service data, therefore the service key is interpreted to include subscription service data, telematics service provider data, telematics device authentication data and as the service key may expire after some time and require updating or replacement, maintenance event data as well.

8. With respect to claims 6 and 14, Vieweg '194 discloses a method and inherently computer readable media for: activating the telematics device for operation with the subscription service by way of teaching the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 start with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (Vieweg '194 col. 4 lines 5 -9). As the terminal requires a valid service key in order to make use of the service data, the insertion of the service key into the device is interpreted to teach the activation of the vehicle telematics device for operation with the subscription service.

9. With respect to claims 7 and 15, Vieweg '194 discloses a method and inherently computer readable media for: Determining an activation event based on the activation event trigger parameter by way of teaching the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 start with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (Vieweg '194 col. 4 lines 5-9). As the terminal requires a valid service key in order to make use of the service data, the insertion of the service key into the device is interpreted to teach the activation of the vehicle telematics device for operation with the subscription service and hence the determination of an activation event based on the trigger parameter is inherently disclosed. Initiating an inbound communication responsive to a determination of an activation event by way of teaching that the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 starts with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (emphasis added)(Vieweg '194 col. 4 lines 5-9). Registering an authentication key by way of teaching the terminal manufacturer 1 transmits 13 to the trust center 5 a terminal identity number 10 which enables the trust center 5 to assign the decoding key 7 to a terminal identity and hence to a terminal (emphasis added)(Vieweg '194 col. 3 lines 53- 57).

10. With respect to claims 9 and 17, Vieweg '194 discloses a method and inherently computer readable media for: deactivating the vehicle telematics device by disassociating the vehicle telematics device from the vehicle telematics device subscription service by way of teaching that new service keys may be necessary when

a subscription period has expired for particular service. (Vieweg '194 col. 1 lines 49- 51).

Vieweg '194 thereby inherently teaches that when a service key has expired or is no longer valid, the vehicle telematics device is thereby disassociated from the telematics service.

11. With respect to claims 8 and 16, Vieweg '194 discloses a method and inherently computer readable media for: determining a maintenance event based on the maintenance even trigger parameter by way of teaching that new service keys may be necessary when a subscription period has expired for a particular service, thereby teaching determining a maintenance event (interpreted to be the necessity of new service keys) in response to a maintenance event trigger parameter (interpreted to be expiration of a subscription period for a particular service). (Vieweg '194 col.1 lines 49 - 51). initiating an inbound communication responsive to a determination of a maintenance event. Vieweg '194 discloses the initiation of communication in response to an activation event when the terminal requests a new service key (Vieweg '194 col. 4 lines 5 -9). Vieweg '194 also discloses that new service keys may be needed when a subscription period has expired. (Vieweg '194 col. 1 lines 49 - 50). The disclosures of Vieweg '194 are interpreted to teach the initiation of an inbound communication in response to the determination of a maintenance event. receiving a maintenance data communication having an updated maintenance event trigger parameter by way of teaching the transmittal of a new service key to the terminal (Vieweg '194 col. 4 lines 31 - 38). configuring an updated maintenance event trigger at the vehicle telematics device inherently, as the service key may expire in the terminal after some time, and the terminal thereby requires an updated service key and an updated maintenance event trigger is therefore configured when the updated service key is transmitted to the device. (See Vieweg '194 col. 1 lines 31 -33).

Response to Arguments

12. Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive.

13. With respect to applicant's argument that Vieweg does not disclose the step of "maintaining subscription service data", Examiner respectfully disagrees. When interpreting the pending claims, the Examiner is entitled to do so "given their broadest reasonable interpretation consistent with the specification." MPEP 2111. Consistent with the MPEP, the Examiner interprets Vieweg to meet the claimed limitation presently set forth. Vieweg discloses "maintaining subscription service data at the vehicle telematics device" at inter alia col. 2, lines 41-45, wherein Vieweg discloses "In addition, network security mechanisms can also be used, in particular, if the terminal manufacturer inserts an encryption key into a telematics terminal via a mobile-radio network etc. during manufacturing, however, during manufacture, it is also possible to insert an encryption key in the terminal without a mobile-radio channel etc., by installing hardware or software." The encryption key which is necessary to receive data from the service center must be active and up to date. If the trust center is installing hardware or software, a subscription can be updating by either firmware update or software update. Therefore, Vieweg meets the claimed limitation.

14. With respect to applicant's argument that Vieweg fails to disclose the step of, "deactivating the vehicle telematics device...", Examiner respectfully disagrees. If a user of Vieweg's system does not receive the new key, his service is effectively deactivated as cited above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Meyers whose telephone number is (571) 272-7943. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Meyers/
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629